

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**JIMMIE HOSKINS,
Plaintiff,**

v.

Case No. 20-C-417

**DAVID BETH,
Defendant.**

ORDER

On June 22, 2020, I screened and dismissed the complaint for failure to state a claim upon which relief can be granted. ECF No. 9. I instructed plaintiff to file an amended complaint that complied with the instructions in the screening order, on or before July 16, 2020, if he wanted to proceed with this lawsuit. *Id.* at 8. I warned plaintiff that failure to do so would result in dismissal of this case with a “strike” under 28 U.S.C. § 1915(g). *Id.* at 8-9. I also gave plaintiff the option to voluntarily dismiss this case to avoid the possibility of incurring a “strike.” *Id.* at 9. Plaintiff neither filed an amended complaint nor voluntarily dismissed the case. Accordingly,

IT IS ORDERED that this case is **DISMISSED** under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1) because the complaint fails to state a claim upon which relief can be granted.

IT IS ORDERED that the Clerk of Court enter judgment accordingly.

IT IS ORDERED that the Clerk of Court document that this inmate has incurred a “strike” under 28 U.S.C. § 1915(g).

IT IS ORDERED that a copy of this order be emailed to:

DLSFedOrdersEastCL@doj.state.wi.us.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within thirty days of the entry of judgment. See Fed. R. of App. P. 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the thirty-day deadline. See Fed. R. App. P. 4(a)(5)(A).

Under limited circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within twenty-eight days of the entry of judgment. The court cannot extend this deadline. See Fed. R. Civ P. 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. See Fed. R. Civ. P. 6(b)(2).

A party is expected to closely review all applicable rules and determine, what, if any, further action is appropriate in a case.

Dated at Milwaukee, Wisconsin, this 22nd day of July, 2020.

s/Lynn Adelman

LYNN ADELMAN
United States District Judge